

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 14-18, 22, 26-30 and 34 stand rejected under 35 USC 112, second paragraph, on the grounds that, during prosecution and before renumbering prior to issuance of a patent, a dependent claim cannot depend from a higher numbered claim. The office action cites no authority for such assertion.

It is well established that, when a new independent claim is added during prosecution, a previous dependent claim may be amended to depend from such higher numbered independent claim, resulting in a lower numbered claim depending from a higher numbered claim; thereafter, upon issuance of a notice of allowance, the claims are renumbered and reordered so that dependent claims depend only from preceding claims in the claim order.

Accordingly, the claim numbering and dependencies set forth in the Amendment of May 17, 2004 are not subject to rejection under 35 USC 112, second paragraph. Withdrawal of this rejection is respectfully requested.

Nevertheless, a new set of claims renumbered as requested by the office action is submitted above. These claims are identical to the previous claims except for the re-numbering of claims 14-18 and 26-30. Entry of this new set of claims is respectfully

requested at this stage because the objection to the claim order was asserted in the Final Rejection.

The new claims have the following relationship with the previous claims:

Old Claim Number and its dependency	New Claim Number and its dependency
14-22	35-22
15-22	36-22
16-14	37-35
17-22	38-22
18-14	39-35
26-34	40-34
27-34	41-34
28-26	42-40
29-34	43-34
30-26	44-40

Claims 11, 13, 19, 21-23, 31, 33 and 34 stand rejected under 35 USC 102(e) as anticipated by 3GPP (3G TS 25.212 version 3.1.0) dated December, 1999. Claims 12 and 24 stand rejected under 35 USC 103(a) as unpatentable over 3GPP (3G TS 25.212 version 3.1.0) dated December, 1999 in view of USPN 5,978,365.

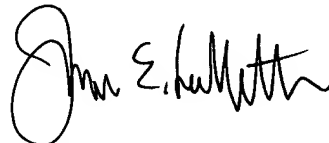
The Applicants note that 3GPP (3G TS 25.212 version 3.1.0) is not a U.S. patent and thus cannot be applied under 35 USC 102(e).

Further, the Applicants note that the present foreign priority date is March 31, 1999, whereas the date of 3GPP (3G TS 25.212 version 3.1.0) is later, i.e., December, 1999. An English translation of the Japanese priority application is attached; thus, the 3GPP (3G TS 25.212 version 3.1.0) document, relied upon in all of the pending prior art rejections, is antedated and removed as a reference.

Accordingly, it is submitted that all rejections have been overcome and all pending claims are directed to allowable subject matter, and a notice of allowance is respectfully solicited.

If any issues remain that may best be addressed through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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